

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
YURMAN STUDIO, INC. and YURMAN  
DESIGN, INC.,

Plaintiffs/Counter-Defendants,

- against -

ELENA CASTANEDA and EJEWELER LLC  
d/b/a OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs.  
----- X

Civil Action No. 07-1241 (SAS)(HP)  
(Action No. 1)

----- X  
----- X  
CARTIER, a division of RICHEMONT NORTH  
AMERICA, INC., CARTIER INTERNATIONAL,  
N.V., CARTIER CREATION STUDIO, S.A., VAN  
CLEEF & ARPELS S.A., VAN CLEEF &  
ARPELS, INC., VAN CLEEF & ARPELS  
DISTRIBUTION, INC., GUCCI AMERICA, INC.,  
and BULGARI S.p.A.,

Plaintiffs,

- against -

ELENA CASTANEDA and EJEWELER LLC  
d/b/a OVERSTOCKJEWELER.COM,

Defendants.  
----- X

Civil Action No. 07-7862 (SAS)(HP)  
(Action No. 2)

**DECLARATION OF DAVID YURMAN IN SUPPORT OF  
YURMAN STUDIO, INC.'S AND YURMAN DESIGN, INC.'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

**EXHIBIT H**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

FORM VA

For  
UNIT  
REG

VA 1-116-155



(VA)  
EFFECTIVE DATE OF REGISTRATION

AUG 28 2001  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

"ALBION" COLLECTION

NATURE OF THIS WORK ▼ See Instructions

JEWELRY DESIGN

PREVIOUS OR ALTERNATIVE TITLES ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

NAME OF AUTHOR ▼  
a DAVID YURMAN

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

1942

Was this contribution to the work a "work made for hire"?  
☐ Yes  
☒ No

Author's Nationality or Domicile  
Name of Country  
OR Citizen of UNITED STATES  
Domiciled in

Was This Author's Contribution to the Work  
Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See Instructions

- ☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing  
☐ 2-Dimensional artwork ☐ Photograph ☐ Text  
☐ Reproduction of work of art ☒ Jewelry design ☐ Architectural work

NAME OF AUTHOR ▼  
b

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
☐ Yes  
☐ No

Author's Nationality or Domicile  
Name of Country  
OR Citizen of  
Domiciled in

Was This Author's Contribution to the Work  
Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No  
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See Instructions

- ☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing  
☐ 2-Dimensional artwork ☐ Photograph ☐ Text  
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

3 Year in Which Creation of This Work Was Completed  
2001

Date and Nation of First Publication of This Particular Work  
Complete this information ONLY if this work has been published.  
Month MARCH Day 23 Year 2001

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

YURMAN STUDIOS, INC.  
501 MADISON AVENUE  
NEW YORK, NY 10022

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

ASSIGNMENT

DO NOT WRITE HERE  
OFFICE USE ONLY  
APPLICATION RECEIVED  
AUG 28. 2001  
ONE DEPOSIT RECEIVED  
TWO DEPOSITS RECEIVED  
AUG 28. 2001  
FUNDS RECEIVED

MORE ON BACK ▶  
• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.  
• See detailed instructions.  
• Sign the form at line 8.

DO NOT WRITE HERE  
Page 1 of 2 pages

2  
NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

3

4

See instructions before completing this space.

EXAMINED BY my/66

FORM VA

CHECKED BY my☐ CORRESPONDENCE

Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a **6**  
See instructions  
before completing  
this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

a **7****CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼JOSEPH RAMIREZ C/O YURMAN DESIGN INC.  
501 MADISON AVENUE  
NEW YORK, NY 10022

b

Area code and daytime telephone number ▶ (212) 896-1550

Fax number ▶ (212) 644-3816

Email ▶ jramirez@davidyurman.com

**CERTIFICATION\*** I, the undersigned, hereby certify that I am the

check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of YURMAN STUDIOS INC.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

JOSEPH RAMIREZ

Date ▶ AUGUST 22, 2001

Handwritten signature (X) ▼

X

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:Name ▼  
JOSEPH RAMIREZ C/O YURMAN DESIGN INC.

Number/Street/Apt ▼

501 MADISON AVENUE

City/State/ZIP ▼

NEW YORK, NY 10022

## YOU MUST:

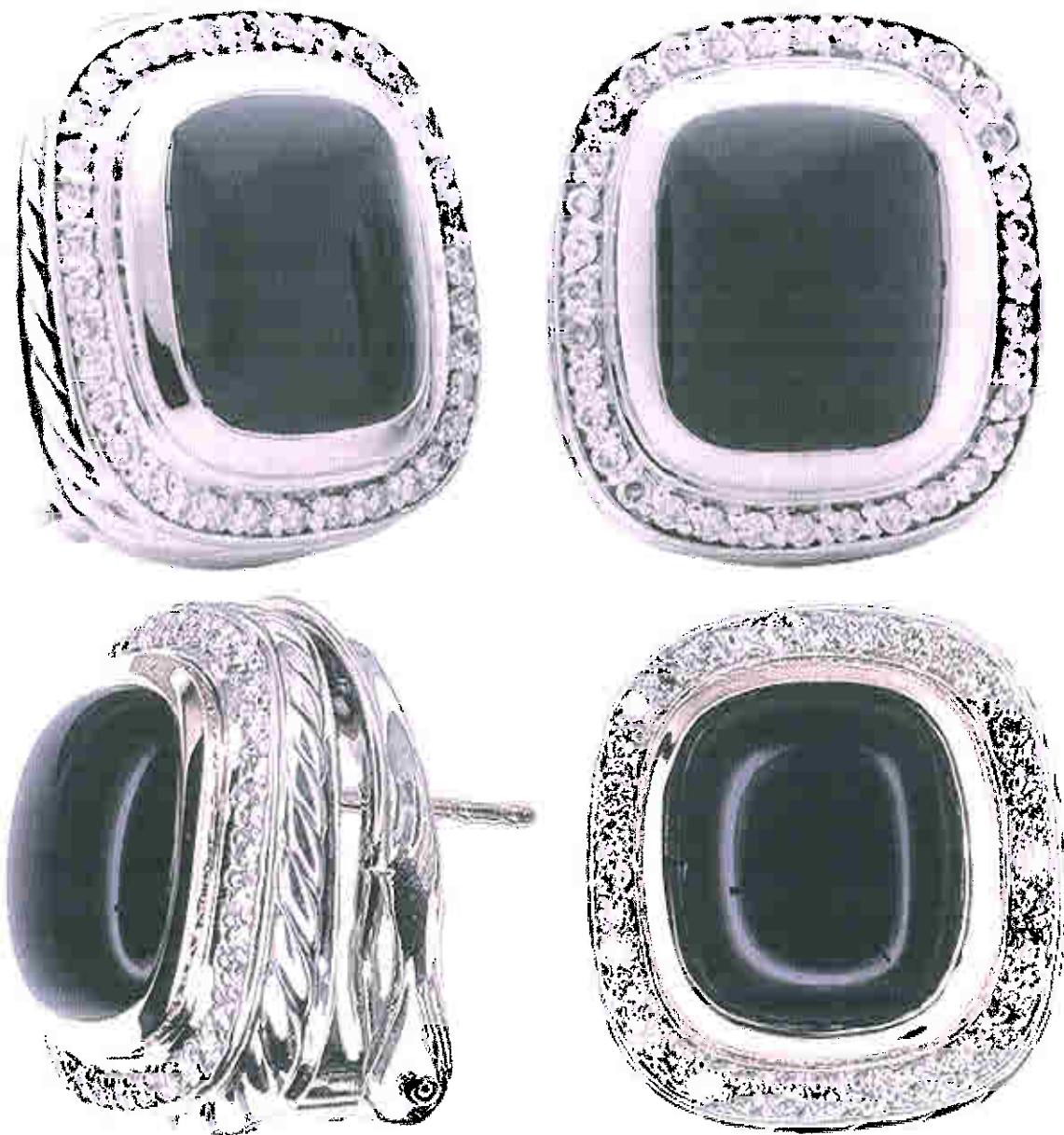
- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS  
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money As of July 1, 1999, the filing fee for Form VA is \$30.
3. Deposit material

## MAIL TO:

Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000



**E06574**

**VA 1-116-155**



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30-Day Moneyback Guarantee

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Mon-Fri 9am-6pm EST

**ORDERS USUALLY SHIP SAME BUSINESS DAY. FREE GROUND SHIPPING ON ORDER OVER \$**

Sterling Silver Jewelry Replicas - Cubic Zirconium > Faux David Yurman Jewelry Tiger Eye Albion Cubic Zirconia Sterling Silver Earrings

Faux David Yurman Jewelry Tiger Eye Albion Cubic Zirconia Sterling Silver Earrings



Availability: **In Stock**  
Order Now & Ships: **Fri, Feb 16**  
Item #: PK-D\_36  
List Price: \$159.99

**Our Price: \$44.99**

**Add to Shopping Bag**

**New Flat Shipping Rates:**

**FREE GROUND Shipping**  
on orders over \$60  
USA East Coast Ground **\$4.50**  
USA Mid West Ground **\$5.50**  
USA West Coast Ground **\$6.75**  
Intl. Shipping is **\$25.** [more info](#)

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**OTHER VIEWS:**



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**DESCRIPTION:**

Set in solid .925 sterling silver, these sensational earrings are inspired by David Yurman's well known cable design. Featuring brilliant tiger eye stones as centerpieces and carved cable accents around the sides. The outlinings are decorated with sparkling Cubic Zirconium stones and 14K Gold vermeil detailing. These earrings are also rhodium plated to resist tarnish and to give the look of platinum. These will be a perfect gift to keep your loved ones happy!

**Measures:** 6/8" H x 6/8" W

**Weight:** 10 grams

**Material:** .925 Sterling Silver 14K Gold Vermeil Cubic Zirconia

All measurements are approximate. Designer mentioned does not make this item. Please read our [disclaimer](#).

**Our Bestsellers**



**Tiffany Inspired Copy**  
**Eternal Cross Pendant**  
**Sterling Silver**  
**\$24.99**

**Matching Items**



**David Yurman Jewelry**  
**Inspired Lookalike**  
**Rectangular CZ Pendant**  
**with Double Chains MORE**  
**COLORS!**  
**\$139.99**



**Judith Ripka Inspired**  
**Jewelry Oval CZ Sterling**  
**Silver Link Bracelet MORE**  
**COLORS!**  
**\$104.99**



**David Yurman Inspired**  
**Knockoff Albion Pendant**  
**Enhancer MORE COLORS**  
**\$74.99**



**David Yurman Inspired B**  
**Link Chain Necklace**  
**\$19.99**

**FEATURED ITEMS**

**Valentine's Day Jewelry**

**Clearance Sale**

**New Arrivals**

**Best Sellers**

**Celebrity Jewelry**

**COLLECTIONS**

**Tiffany Inspired Jewelry**

**David Yurman Inspired Jewelry**

**Designer Inspired Jewelry**

**Designer Inspired Baby Charms**

**Men's Jewelry**

**CATEGORIES**

**Engagement Rings**

**Chandelier Earrings**

**Bridal Jewelry**

**Heart Shaped Jewelry**

**Tennis Bracelets & Necklaces**

**Chains**

**Cufflinks**

**Religious Jewelry**

**Equestrian Jewelry**

**DEPARTMENTS**

**Watches NEW!**

**Bracelets**

**Necklaces & Pendants**

**Earrings**

**Rings**

**Pins & Brooches**

**Ankle Bracelets**

**Accessories**

**Baby Gifts & Charms**

**Clearance Sale Jewelry**

**MATERIALS**

**Sterling Silver & CZ**

**Gold Jewelry**

**Pearls**

**Diamond Jewelry**

**Gemstone Jewelry**

**Turquoise Jewelry**

**FREE GROUND SHIPPING**  
USA orders over \$60

**WE SHIP INTERNATIONALLY**  
See shipping policy

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**ORDERS USUALLY SHIP SAME BUSINESS DAY. FREE GROUND SHIPPING ON ORDER OVER \$**

**800.586.0020**

Mon-Fri 9am-6pm EST

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## FEATURED ITEMS

**Valentine's Day Jewelry**  
**Clearance Sale**

New Arrivals  
Best Sellers  
Celebrity Jewelry

## COLLECTIONS

Tiffany Inspired Jewelry  
David Yurman Inspired Jewelry  
Designer Inspired Jewelry  
Designer Inspired Baby Charms  
Men's Jewelry

## CATEGORIES

Engagement Rings  
Chandelier Earrings  
Bridal Jewelry  
Heart Shaped Jewelry  
Tennis Bracelets & Necklaces  
Chains  
Cufflinks  
Religious Jewelry  
Equestrian Jewelry

## DEPARTMENTS

Watches **New!**  
Bracelets  
Necklaces & Pendants  
Earrings  
Rings  
Pins & Brooches  
Ankle Bracelets  
Accessories  
Baby Gifts & Charms  
**Clearance Sale Jewelry**

## MATERIALS

Sterling Silver & CZ  
Gold Jewelry  
Pearls  
Diamond Jewelry  
Gemstone Jewelry  
Turquoise Jewelry

**Sterling Silver Jewelry Replicas - Cubic Zirconium > David Yurman Jewelry Inspired Lookalike Rectangular CZ Pendant with Double Chains MORE COLORS!**

**David Yurman Jewelry Inspired Lookalike Rectangular CZ Pendant with Double Chains MORE COLORS!**



Availability: **In Stock**  
Order Now & Ships: **Fri, Feb 16**  
Item #: AF-PDY2C  
List Price: \$299.99

**Our Price: \$139.99**

Choose stone  
color: **Blue Topaz**

**Necklace Sizing Chart**

**Add to Shopping Bag**

### New Flat Shipping Rates:

**FREE GROUND Shipping**  
on orders over \$60  
USA East Coast Ground **\$4.50**  
USA Mid West Ground **\$5.50**  
USA West Coast Ground **\$6.75**  
Intl. Shipping is **\$25. more info**

### OTHER VIEWS:



Click to enlarge



Click to enlarge



Click to enlarge

### DESCRIPTION:

This gorgeous David Yurman lookalike jewelry is made of .925 sterling silver and rhodium plated to resist tarnish and provide high shine. The rectangular CZ pendant is multi-faceted and therefore it captures and reflects light from multi angles for ultimate sparkles. Gold vermeil details outlining the edges and small CZ stones pave-set all around the piece for added elegance. The pendant is held by a double chain and secured with a lobster claw clasp. **FREE** ground shipping on this item.

**Measures:** Pendant measures 1.25" H x .5" W. Chain is 16".  
**Weight:** 36 grams  
**Material:** .925 Sterling Silver 14K Gold Vermeil CZ Cubic Zirconia

## Our Bestsellers



**David Yurman Inspired Cable X CZ Ring**  
**\$39.99**

## Matching Items



**Judith Ripka Inspired Jewelry Oval CZ Sterling Silver Link Bracelet MORE COLORS!**  
**\$104.99**



**Inspired By David Yurman Jewelry Inspired Carved Albion Earrings MORE COLORS!**  
**\$74.99**






**David Yurman Inspired Knockoff Albion Pendant Enhancer MORE COLORS!**  
**\$74.99**



**David Yurman Noblesse Inspired Copy Emerald-Colored CZ Cable Ring MORE COLORS!**  
**\$39.99**

**The Yurman Copyrighted Designs & The Overstock Jeweler Infringing Products**

U.S. Copyright Reg. No.	Yurman Item / Deposit Material & Item No.	Overstockjeweler.com Item & Item No.
VA 1-116-155	 E06574	 PK-D_36
		 AF-PDY2C